

COPY in opinion

14 P

1954

Aug. 20

Mr. Lawton B. Chandler, Secretary  
State of New Hampshire Tax Commission  
State House  
Concord, New Hampshire

Dear Sir:

Under date of July 9, 1954 you have brought to our attention the matter of the taxability of certain motor vehicles owned by the Nugent Motor Company of Colebrook, and you have asked our opinion thereon.

As appears from the material supplied us, the vehicles under consideration are carried by the Company in its Company and Service Car Account; the vehicles are not deemed part of the Company's inventory. The motor cars are used by employees and officials in the business of the Company; they are not currently for sale. However, they will ultimately be "turned in" and replaced by new vehicles. They are not, further, used as demonstrators.

Whether or not, despite accounting practices, the vehicles are so held as to be part of the Company's stock-in-trade is a matter of fact. If the facts be as represented by the Company, the vehicles are properly to be deemed not part of its stock-in-trade, R.L. c. 73, s. 16, subsec. I; Goodworth v. Concord, 78 N.H. 54, and hence are not subject to the general property tax, see also R.L. c. 73, s. 16, subsec. III.

Your letter raises the question whether motor vehicles not subject to the general property tax as stock-in-trade may be operated under "dealers plates" (R.L. c. 116, ss. 46-53) without there having been secured with respect to the same the municipal permit for registration (R.L. c. 116, ss. 16-24). In this regard we would state that such question is, in the first instance, one for the administrative decision of the Commissioner of Motor Vehicles.

Your file is returned.

Very truly yours,

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Warren E. Waters  
Deputy Attorney General

SEP 22 1954

CONCORD, N.H.

WEH/T

cc: Frederick E. Clarke